

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:	§	Case No. 22-60043
	§	
FREE SPEECH SYSTEMS, LLC,	§	Chapter 11 (Subchapter V)
	§	
Debtor.	§	

**UNOPPOSED EMERGENCY MOTION FOR  
CONTINUANCE OF HEARING ON THE SANDY HOOK FAMILIES'  
MOTION TO (I) APPOINT TORT CLAIMANTS COMMITTEE  
AND (II) REMOVE THE DEBTOR IN POSSESSION  
[Related to ECF Nos. 102, 103, and 104]**

**This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.**

**Represented parties should act through their attorney.**

**Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.**

**Relief is requested on or before October 12, 2022 at 10:00 a.m.**

Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Marcel Fontaine (the "Texas Plaintiffs") and David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach,

and Robert Parker (the “Connecticut Plaintiffs”) (together with the Texas Plaintiffs, the “Sandy Hook Families”),<sup>1</sup> hereby file this unopposed emergency motion (“Motion for Continuance”) for a continuance of the hearing on *The Sandy Hook Families’ Motion to (I) Appoint Tort Claimants Committee and (II) Remove the Debtor in Possession* [Dkt. 102] (the “Tort Committee Motion”), and respectfully state as follows:

### I. INTRODUCTION

1. The Tort Committee Motion is currently set for hearing on October 12, 2022, at 10:00 a.m. (Prevailing Central Time).

2. The *Emergency Application of the Debtor for an Order (A) Authorizing Employment of Patrick Magill as Chief Restructuring Officer and (B) Granting Related Relief* [Dkt. 205] (the “Magill CRO Application”) is also set for hearing on October 12, 2022.

3. On October 6, 2022, Subchapter V Trustee, Melissa Haselden filed a proposed *Stipulation and Agreed Order* [Dkt. 211], which lays out the details for the parties’ mediation.

4. Given the upcoming mediation and the pending Magill CRO Application, the Sandy Hook Families request, on a consensual basis, that the Court continue the hearing on the Tort Committee Motion until November 16, 2022, or, alternatively, a date that is amenable to the Court, to preserve estate resources and for the reasons set forth herein.

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<sup>1</sup> Marcel Fontaine was not defamed as to the Sandy Hook mass-shooting but as to the Parkland mass-shooting. For ease of reference, however, this document refers to all tort claimants as the Sandy Hook Families.

## **II. JURISDICTION AND VENUE**

5. The United States Bankruptcy Court for the Southern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

6. Venue for this Motion for Continuance is proper in this Court pursuant to 28 U.S.C. § 1409.

## **III. SANDY HOOK FAMILIES’ REQUEST FOR EMERGENCY RELIEF**

7. The Sandy Hook Families seek entry of an order continuing the Tort Committee Motion for approximately thirty-five (35) days to give ample time to engage in mediation and to allow the Court to decide the Magill CRO Application. Because the current hearing on the Tort Committee Motion falls within the normal briefing period for this Motion for Continuance, and because the Motion for Continuance is unopposed, emergency consideration is appropriate.

## **IV. RELIEF REQUESTED**

8. The Sandy Hook Families request that the Court continue the hearing on the Tort Committee Motion currently set for October 12, 2022. The requested continuance would give the parties an opportunity to reach a resolution that might vitiate the need for the Court to hear the Tort Committee Motion. Similarly, the Court’s decision with respect to the Magill CRO Application—also set for the October 12, 2022 hearing—may address concerns raised in the Tort Committee Motion.

9. The Debtor and the Sandy Hook Families have conferred, and the Motion for Continuance is unopposed. Counsel for the Debtor and the Sandy Hook Families have

agreed on continuing the hearing setting until November 16, 2022, or, alternatively, a date that is amenable to the Court.

**V. CONCLUSION**

For the foregoing reasons, the Sandy Hook Families respectfully request this Court enter an order continuing the hearing on the Tort Committee Motion until November 16, 2022, or, alternatively, a date that is amenable to the Court, and grant the Sandy Hook Families such other and further relief to which they may be justly entitled.

Respectfully submitted this 10th day of October 2022.

**MCDOWELL HETHERINGTON LLP**

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***Bankruptcy Counsel for Connecticut  
Plaintiffs***

#### **CERTIFICATE OF ACCURACY**

I hereby certify that the foregoing statements are true and accurate to the best of my knowledge and belief. This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

/s/ Ryan E. Chapple  
Ryan E. Chapple

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Emergency Motion for Continuance has been served on counsel for Debtor, Debtor, and all parties receiving or entitled to notice through CM/ECF on this 10th day of October 2022.

/s/ Ryan E. Chapple  
Ryan E. Chapple